

UNITED STATES DISTRICT OF NEW YORK  
WESTERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
BUFFALO

KEITH S. MORRIS,

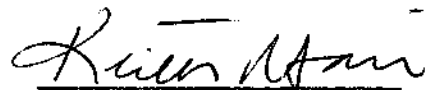
PLAINTIFF,

-AGAINST-

THE NEW YORK STATE DEPARTMENT OF CORRECTION;  
OFFICER, J. SMITH; OFFICER, M. CATER; And OFFICER,  
J. GRIFFIN ALL OF ATTICA CORR. FAC.  
DEFENDANTS.

2007 JAN 25 10:16 AM  
PLAINTIFF'S MOTION  
FOR JOINDER OF CLAIMS  
& REMEDIES PURSUANT  
FRCP 18  
07 CV 15 (HBS)

Please take notice that the under-signed, KEITH MORRIS, will move  
This Court for a motion for joinder of claim & remedies of civil case 04 CV 17  
And civil case # 07 CV 15. This motion will be made in the western district  
Of New York located at 68 Court Street, Buffalo New York. 14202-3406, and  
Heard before Honorable Judge H.B. SCOTT, in the forenoon 10:00 am, on the 29th  
Day of January, 2007.



KEITH S. MORRIS, PRO-SE  
50 PALADINO AVE. # 14H  
NEW YORK, NEW YORK. 10035

UNITED STATES DISTRICT OF NEW YORK  
WESTERN DISTRICT OF NEW YORK

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KEITH S.MORRIS,

PLAINTIFF,

-AGAINST-

THE NEW YORK STATE DEPARTMENT OF CORRECTIONS;  
OFFICER, J.SMITH; OFFICER, M.CATER; And OFFICER,  
J.GRIFFIN ALL OF ATTICA CORR. FAC.  
DEFENDANT'S.

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AFFIDAVIT IN SUPPORT  
OF THE PLAINTIFF'S  
MOTION FOR JOINDER  
OF CLAIMS PURSUANT  
FRCP 18

07 CV 15(HBS)

KEITH S.MORRIS, Declare under penalty of perjury that :

1. I am the named plaintiff in the above named action, and make this affidavit  
In support of the plaintiff's motion for joinder claim & remedies.
2. The plaintiff in this complaint, makes this motion in an effort, i.e.;  
Furtherance of judicial economy since the plaintiff's request avoid the  
Multiplicity of litigation.
3. The actual damages & special damages stem from the same single action.  
See docket 04 CV 17(a), And docket no.# 07CV15 both of (WDNY).
4. Plaintiff has attached a copy of the N.D.N.Y. decision & order for  
Any clarifications purpose. See attached documents in the back.
5. Wherefore, The plaintiff prays that this Court honor the plaintiff's  
Motion joining the plaintiff's claims.



KEITH S. MORRIS, PRO-SE  
50 PALADINO AVE. #14H  
NEW YORK, NEW YORK. 10035.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KEITH S. MORRIS,

Plaintiff,

9:06-CV-1531  
(GLS)(GHL)

v.

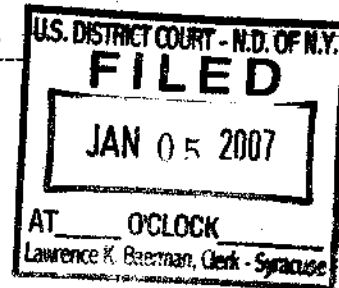
NEW YORK STATE DEPARTMENT OF CORRECTIONS;  
J. SMITH, Officer; M. CATER, Officer; OFFICER J.  
GRIFFIN, Officer,

Defendants.

APPEARANCES:

KEITH S. MORRIS  
Plaintiff, *pro se*

GEORGE H. LOWE  
U.S. MAGISTRATE JUDGE



**DECISION and ORDER**

**I. Background.**

The Clerk has sent to the Court a complaint, together with an application to proceed *in forma pauperis*, filed by Plaintiff Keith S. Morris. Plaintiff has also filed a motion to appoint counsel.

In his *pro se* complaint, Plaintiff alleges that on January 3, 2001, Defendants Cater, Smith and Griffin assaulted Plaintiff at Attica Correctional Facility. Plaintiff brought claims against the same Defendants concerning the same alleged events in December 2003. *See Morris v. New York State Department of Corrections*, No. 9:03-CV-1515 ("Morris I"). This Court transferred Morris I to the Western District of New York because all of the allegations in the original action occurred at Attica Correctional Facility.<sup>1</sup> *See* 9:03-CV-1515, Dkt. No. 5.

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<sup>1</sup>Plaintiff's present complaint indicates that Plaintiff's complaint in Morris I was docketed as "04cv17" in the Western District of New York. Dkt. No. 1 at 2. Plaintiff states that Morris I is "still pending" in the Western District. Dkt. No. 3 at 3.

All of the claims in this action also occurred at Attica Correctional Facility which is located in the Western District of New York. Since none of the alleged wrongdoing occurred in this District, this Court hereby transfers this action to the Western District of New York. *See* 28 U.S.C. § 1404(a) (“[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought”).

This Court makes no ruling as to Plaintiff's *in forma pauperis* application or motion to appoint counsel, thereby leaving those determinations to the Western District of New York.


**WHEREFORE**, it is hereby

**ORDERED**, that the Clerk of Court transfer this matter to the United States District Court for the Western District of New York pursuant to Local Rule 83.6(a) of the Northern District of New York, and it is further

**ORDERED**, that the Clerk of this Court advise the Clerk of the Western District of New York, in writing, of the entry of this Order and provide the Clerk with a certified copy of this Order and of the docket sheet for this action, together with all information necessary for the Clerk of the Western District to electronically access the documents filed in this action, and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

Dated: January 5, 2007  
Syracuse, New York

  
George H. Lowe  
United States Magistrate Judge

UNITED STATES DISTRICT COURTHOUSE  
WESTERN DISTRICT OF NEW YORK

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KEITH MORRIS,

PLAINTIFF,

-AGAINST-

THE NEW YORK STATE DEPARTMENT OF CORRECTIONS;  
OFFICER, J. SMITH; OFFICER, M. CATER; OFFICER, J.  
GRIFFIN ALL OF ATTICA CORR. FAC.

DEFENDANT'S.

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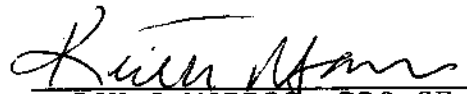
AFFIDAVIT  
OF  
SERVICE

07 CV 15 (HBS)

I, KEITH S. MORRIS, Declare under penalty of perjury that on the 23rd Day of January, 2007, I forward a complete copy of the following "plaintiff Motion for joinder of claims and remedies". This was done via depositing A complete copy of the same and depositing it in the United States mail-box And forwarding the contents to the following parties:

DARREN LONGO, AAG  
ATTORNEY GENERAL'S OFFICE  
107 DELAWARE AVE.  
BUFFALO, NEW YORK. 14202.

RODNEY C. EARLY  
UNITED STATES DISTRICT OF NEW YORK  
WESTERN DISTRICT OF NEW YORK  
68 COURT STREET  
BUFFALO, NEW YORK. 14202.

  
\_\_\_\_\_  
KEITH S. MORRIS; PRO-SE  
50 PALADINO AVE;  
NEW YORK; NEW YORK. 10035.